

REMARKS

Claims 1-23 are now pending. By this Amendment, claims 5, 7-10, 13, 14, 16-20, 22, and 23 are amended, and claims 24-26 are canceled without prejudice to, or disclaimer of, the subject matter recited therein. Reconsideration and allowance are respectfully requested.

Claims 24-26 are rejected under 35 U.S.C. § 112, second paragraph. This rejection is now moot as claims 24-26 have been canceled.

Claims 1-24 are rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,108,706 to Birdwell et al. ("Birdwell"). Applicants respectfully traverses this rejection as to all claims.

Birdwell discloses a plurality of content servers 22, a bidirectional data network 28, and a unidirectional broadcast network 30. (Birdwell, Fig. 1; col. 3, lines 10-16; col. 3, lines 23-31). Rather than the clients requesting particular data from the servers, announcements are submitted by the servers 22 over the data network 28 to inform the clients of upcoming data transmissions that will be broadcast at a future time over the broadcast network 30. (Birdwell, col. 5, lines 5-25). After receiving a desired announcement, a client tunes at the appropriate time to the related upcoming data transmission. (Birdwell, col. 5, lines 40-46).

Claim 1 recites steps including receiving, via a second network, unsolicited information from a computer network, wherein the information contains an identifier identifying further information on the computer network.

The Office Action attempts to compare: a) the data network 28 of Birdwell with the claimed first network, b) the broadcast network 30 of Birdwell with the claimed second network, and c) the announcements of Birdwell with the claimed identifier. However, the broadcast network 30 (the alleged second network) of Birdwell does not provide the announcements (the alleged claimed identifier). Instead, data network 28 (the alleged first network) provides the announcements. Therefore, the broadcast network 30 cannot be properly compared with the claimed second network because it does not provide the claimed identifier.

Even if the comparison were reversed (i.e., comparing the broadcast network 30 with the claimed first network and the data network 28 with the claimed second network), this would also be improper. This is because claim 1 further recites that the communication device is capable of communicating with the first network, but the clients in Birdwell cannot communicate with the broadcast network 30; network 30 is unidirectional. (Birdwell, Fig. 1; col. 3, lines 26-31). Regardless of which network of Birdwell is compared with which claimed network, the comparison does not result in a proper anticipation rejection.

In addition, Birdwell fails to teach or suggest the requesting step as claimed. Claim 1 further recites requesting, via the first network, further information from the computer network, wherein the further information is based on the received identifier. However, in Birdwell there is no such request. The clients receive announcements and broadcasts but do not send any requests; they are passive. (Birdwell, Fig. 1; col. 3, lines 26-31, which states that "the clients are unable to reply or initiate communication to the broadcast center 26 using the broadcast network 30."). In Birdwell, there is no request because there is no need for a request; the data transmission occurs at a pre-scheduled time, and the client simply decides whether or not to tune into the transmission at the pre-scheduled time. (Birdwell, col. 5, lines 40-46). Thus, for this additional reason Birdwell fails to anticipate claim 1.

Independent claim 9 is also allowable over Birdwell for at least similar reasons as those discussed above with regard to claim 1, and further in view of the differing recitations therein.

The remaining dependent claims are also allowable by virtue of depending from allowable independent claims, and further in view of the additional features recited therein.


For example, claims 3 and 13 further recite that the first communications network is a telecommunications network. To show such a feature, the Office Action refers to col. 3, lines 10-16 of Birdwell, but this excerpt simply states that network 28 may be the Internet, a LAN, or a WAN. This excerpt does not teach or suggest that network 28 may be, specifically, a telecommunications network.

As another example, claims 7 and 16 further recite that the second communication network is digital video broadcast terrestrial (DVB-T) network. To show such a feature, the Office Action refers to col. 3, lines 23-31 and 40-43, and col. 4, lines 25-34 of Birdwell. However, these excerpts simply state that network 30 is a unidirectional network, that the broadcast center 26 can scale to include multiple broadcast centers, and that the clients include a digital broadcast receiver such as a satellite dish receiver, RF receiver, or microwave receiver, as well as a tuner. However, none of these excerpts teach or suggest that network 30 is, specifically, a DVB-T network.

All rejections having been addressed, it is submitted that the present application is in condition for immediate allowance. Notification of such allowance is therefore respectfully requested. Should the Examiner have any questions or feel that a telephone or personal interview would be desirable, the Examiner is invited to contact the undersigned at the number below.

Respectfully submitted,

Date: June 3, 2005

By: 
Jordan N. Bodner
Reg. No. 42,338

BANNER & WITCOFF, LTD
1001 G Street, N.W.
Eleventh Floor
Washington, D.C. 20001
(202) 824-3000